

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVEL JONES,

Plaintiff,

vs.

8:20CV365

ORDER

NEBRASKA DEPARTMENT OF CORRECTION SERVICES, CRAIG GILSDORE, Agreement Administrator, Special Services Unit for Nebraska Department of Correction Services; DR. AGNES M. STANIS, PH.D. for Nebraska Department of Correction Services; LANCASTER COUNTY SHERIFF DEPARTMENT, SHERIFF OFFICER UNKNOWN, CITY OF LINCOLN, NEBRASKA POLICE DEPARTMENT OF LINCOLN, NEBRASKA, ONE UNKNOWN POLICE OFFICER, TWO UNKNOWN POLICE OFFICERS, BRAD JOHNSON, Director of Lancaster County Correction Department; TERRY T. WAGNER, Sheriff of Lancaster County, Nebraska; TIMOTHY F. DUNNING, Sheriff of Lancaster County or Douglas County Nebraska; BRENDA A. JONES, Sheriff of Lancaster County or Douglas County Nebraska; LANCASTER COUNTY PUBLIC DEFENDER OFFICE, KRISTI J. EGGER, Deputy Public Defender for Lancaster County; JOE NEGRO, Chief Public Defender for Lancaster County, Nebraska; DEBERA K. LYNFORD, Lancaster County Board of Mental Health Chairperson; MARY K. GUINN, Member of Lancaster County Board of Mental

Health; DR. MARK VANGHIN, Member of Lancaster County Board of Mental Health; DR. ROBERT ARIAS, Neuropsychology and Behavioral Medicine, PC; KATHY HERIAN, 3-East Unit Supervision at Norfolk Regional Center; ROSETTA MCALLISTER, R.N. at Norfolk Regional Center; VERLIN REDLINGER, Activity Assistant at Norfolk Regional Center; CHERYL HEIMANN, Social Worker at Norfolk Regional Center; HANNAH NEAL, Provisional Psychiatrist at Norfolk Regional Center; MIKE GETTMAN, Psychiatrist and Social Worker at Norfolk Regional Center; BEVERLY J. LUESHEN, Psychiatrist and Social Worker at Norfolk Regional Center; TODD PHELPS, Psychiatrist and Social Worker at Norfolk Regional Center; LANCASTER COUNTY DEPARTMENT OF CORRECTIONS, THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, NORFOLK REGIONAL CENTER, DANNETTE SMITH, Chief Executive Officer of the Nebraska Department of Health and Human Services; JOHN KNOLL, Facility Operating Officer at Norfolk Regional Center; TOM BARR, Director of Norfolk Regional Center; KRIS BOE SIMMONS, Director Clinical Program Manager at Norfolk Regional Center; JULIE REDWING, Director of Nursing at Norfolk Regional Center; DR. JEAN LAING, Of Norfolk Regional Center Psychiatrist and Social Worker; SHERI DAWSON, Behavioral Director at Nebraska Department of Health and

Human Services; MARK LABOUCHADIERE, Facility Director at Nebraska Department of Health and Human Services; SPENCE PROPEL, Director of Regional Centers of Nebraska; JOHN REYNOLDS, In Charge of Regional Centers of Nebraska, Under Nebraska Department of Health and Human Services; MELANIE WHITTAMORE-MANTZIOS, Attorney at Wolfe Snowden Hurd Luers-Ahl LLP; TWO (2) UNKNOWN FEMALE EMPLOYEES JANE DOES AT NORFOLK REGIONAL CENTER, TABITHA WAGGONER, Therapist and Social Worker at Norfolk Regional Center; BRANDI, Therapist and Social Worker at Norfolk Regional Center; MARSHALL, Therapist and Social Worker at Norfolk Regional Center; SHANNON, Therapist and Social Worker at Norfolk Regional Center; AMANDA HOLMGREEN, Contractor Therapist at Norfolk Regional Center; KIM ELLENBERGEE, Provisional Therapist at Norfolk Regional Center; CANDI, Director of Personal Development Department at Norfolk Regional Center; STEVE LINDSTADT, Activity Assistant of Personal Development Department at Norfolk Regional Center; MICHELLE, Director of Personal Development Department at Norfolk Regional Center; BONNIE, Activity Assistant of Personal Development Department at Norfolk Regional Center; DAYNA, Activity Assistant of Personal Development Department at Norfolk Regional Center; TRACY, Activity Assistant of Personal

Development Department at Norfolk Regional Center; MEGAN DONAVAN, Psychiatrist and Counsel PH.D. at Norfolk Regional Center; PATRICIA BRAND, Patient Services Department at Norfolk Regional Center; MIRANDA, Provisionally Licensed Group Facilitator and Social Worker at Norfolk Regional Center; PATTIE, Chemical Dependency Group Facilitator at Norfolk Regional Center; VICTER VANFLEET, Chemical Dependency Group Facilitator at Norfolk Regional Center; DAWN COLLINS, Registered Nurse at Norfolk Regional Center; TERRI BRUEGMAN, 3-East Unit Supervisor at Norfolk Regional Center; TRAVICE, Patient Service at Norfolk Regional Center; COMPLIANCE TEAM 6 UNKNOWN JANE AND JOHN DOES AT NORFOLK REGIONAL CENTER, LISA, Activity Assistant and Librarian Personal Development Department East at Norfolk Regional Center; CHRIST, Activity Assistant Personal Development Department East at Norfolk Regional Center; RYAN, Activity Assistant Personal Development Department East at Norfolk Regional Center; SECURITY SPECIALIST I'S TEN (10) UNKNOWN JOHN DOES AT NORFOLK REGIONAL CENTER, and SECURITY SPECIALIST TECHNICIANS UNKNOWN JANE AND JOHN DOES AT NORFOLK REGIONAL CENTER,

Defendants.

Plaintiff Marvel Jones, a non-prisoner,¹ filed a Motion for Leave to Proceed in Forma Pauperis. (Filing 2.) Upon review of Plaintiff's Motion, the court finds that Plaintiff is financially eligible to proceed in forma pauperis.

IT IS THEREFORE ORDERED that leave to proceed in forma pauperis is granted, and the Complaint shall be filed without payment of fees. Plaintiff is advised that the next step in his case will be for the court to conduct an initial review of his claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). The court will conduct this initial review in its normal course of business.

Dated this 28th day of September, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge

¹Plaintiff's Complaint (Filing 1) indicates he is committed to a state mental institution. Thus, Plaintiff is not a "prisoner" within the meaning of the PLRA. See [Reed v. Clarke, No. 4:04CV3168, 2005 WL 1075092, at *1 n.1 \(D. Neb. May 5, 2005\)](#) ("The plaintiff is presently in the Lincoln Regional Center pursuant to a mental health commitment. The Prison Litigation Reform Act ('PLRA') does not apply to persons in custody pursuant to the Mental Health Commitment Act, as the definition of 'prisoner' in the PLRA does not include a person involuntarily committed for reasons of mental health.") (citing [Kolocotronis v. Morgan, 247 F.3d 726, 728 \(8th Cir.2001\)](#)).